

**Remarks**

Claims 1-9 are pending herein. By this Amendment, claims 1, 2 and 6-8 have been amended, and claim 9 has been added.

Claim 1 has been amended to recite that the phthalocyanine and the insoluble azo pigment are disposed together in the photosensitive layer. Support for this recitation can be found in the specification at, for example, page 11, lines 15-18.

Claim 2 has been amended so that it is now a dependent claim, depending upon claim 1.

Claim 6 has been amended to overcome an objection thereto.

Claim 7 has been amended to delete a parenthetical mark “(“ at the beginning of the phrase underneath formula (22).

Claim 8 has been amended so that it is now an independent claim, incorporating the limitations of claims 1 and 8.

New claim 9 depends upon claim 8 and recites the features of amended claim 2.

In the Office Action, claim 6 is objected to; claims 1-7 are rejected under 35 U.S.C. §102(b) as being anticipated by JP 03-033858 (“JP ‘858”); and claim 8 is objected to as being dependent upon a rejected base claim. Furthermore, if claim 1 is found allowable, claim 2 will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof.

In view of the amendments and remarks herein, Applicants respectfully request reconsideration and withdrawal of the objections and rejection set forth in the Office Action.

**I. Objection to Claim 6**

Claim 6 is objected to because lines 5 and 6 appear to be a repeat of lines 3 and 4. Claim 6 has been amended to correct this informality.

**II. Rejection of Claims 1-7**

Claims 1-7 are rejected under § 102(b) as being anticipated by JP ‘858. JP ‘858 is cited for disclosing an electrophotographic photosensitive body having a conductive support 1, an intermediate layer 2, and a photosensitive layer 3. In Example 5 (see Table 1), the intermediate layer has KET Yellow 403 (Pigment Yellow 17) as an insoluble pigment dispersed in a binder resin. According to the Office Action, the formula for this pigment corresponds to general formula (2) set forth in instant claim 7, with X<sup>11</sup> being represented by formula (21). The photosensitive layer in JP ‘858 contains a binder resin, a titanyl phthalocyanine having a main

peak at 27.2° with respect to Cu-K $\alpha$  radiation, and a charge transport material. Useful binder resins are said to include polycarbonate and polyester resins (page 4, bottom left). The photosensitive layer is formed from a coating solution of the respective components in a dispersion solvent (page 4, left middle). According to the Examiner, the combination of the photosensitive layer and the intermediate layer in JP '858 represents a photosensitive layer within the scope of the present claims. Because the titanylphthalocyanine has a Bragg angle peak at 27.2°, this compound is said to inherently possess the required characteristics recited in instant claims 4 and 5. Because the material disclosed in JP '858 is produced with both the requisite azo compound and the requisite titanylphthalocyanine, the material is said to inherently possess the absorbance relationship specified in the instant claims.

Applicants respectfully submit that claims 1-7 are not anticipated by JP '858.

In JP '858, the photosensitive layer 2 contains the titanyl phthalocyanine pigment, and the interlayer 3 formed between the conductive substrate 1 and the photosensitive layer 2 contains the organic and/or inorganic pigment dispersed within it. As the Examiner points out, the intermediate layer in Example 5 in JP '858 (see Table 1) contains KET Yellow 403 (Pigment Yellow 17) as an insoluble pigment dispersed in a binder resin. Thus, Example 5 in the Japanese reference discloses an electrophotographic sensitive body comprising a photosensitive layer 2 and an interlayer 3 provided on a conductive substrate 1, wherein the photosensitive layer 2 contains the titanyl phthalocyanine pigment obtained in Synthetic Example 2 and the interlayer 3 contains KET Yellow 403 (an insoluble azo pigment). Thus, in Example 5, the KET Yellow 403 and the titanyl phthalocyanine pigment are used separately in the interlayer and the photosensitive layer, respectively.

On the other hand, in Applicants' claimed invention, the electrophotosensitive material comprises a conductive substrate and a photosensitive layer containing an electric charge generating material, an electric charge transferring material, an insoluble azo pigment, and a binder resin provided on the conductive substrate, the phthalocyanine and the insoluble azo pigment being disposed together in the photosensitive layer. Thus, in Applicants' claimed invention, the insoluble azo pigment and the phthalocyanine (as the electric charge generating material) are both disposed in the same photosensitive layer. Having the insoluble azo pigment

and the phthalocyanine in the same layer is beneficial. For example, the specification teaches that:

[s]ince electric charge generating materials such as *phthalocyanine and a specific insoluble azo pigment are incorporated in the material constituting the photosensitive layer*, the dispersibility of phthalocyanine in a coating solution for formation of a photosensitive layer can be enhanced and also uniform dispersion of phthalocyanine can be realized in the photosensitive layer formed by using the coating solution. (page 9, lines 11-18) [emphasis added]

[s]ince the specific insoluble azo pigment is inactive in a sensitivity range of phthalocyanine as the electric charge generating material and exerts less influence on electric charge generating ability, the charge stability of the electrophotosensitive material is not lowered. (page 10, lines 12-17)

The phthalocyanine itself is excellent in dispersibility in the binder resin and storage stability and also further improves the dispersibility in the binder resin *when incorporated in the photosensitive layer, together with the insoluble azo pigment*. (page 11, lines 15-18) [emphasis added]

[t]he above-mentioned insoluble azo pigment is remarkably preferable in view of the achievement of an object of the present invention, which is to provide an electrophotosensitive material which realizes *uniform dispersion of phthalocyanines in a photosensitive layer* and has high sensitivity to a digital light source, and also excellent in charge stability under the high temperature atmosphere, weatherability and  $No_x$  resistance. (page 19, lines 14-20) [emphasis added]

JP '858 does not teach or suggest having the phthalocyanine and the insoluble azo pigment disposed together in the photosensitive layer. Therefore, for at least this reason, JP '858 does not anticipate instant claims 1-7.

### **III. Objection to Claim 2**

The Office Action states that if claim 1 is found allowable, claim 2 will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof. Claim 2 has been amended so that it is now a dependent claim, depending upon claim 1.

**IV. Objection to Claim 8**

Claim 8 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form (i) including all of the limitations of the base claim and any intervening claims, and (ii) if the double patenting issue for the base claims is resolved.

Claim 8 has been rewritten as an independent claim, including the limitations of claim 1. Accordingly, Applicants respectfully submit that amended claim 8 is in allowable form.

**V. Conclusion**

In view of the amendments and remarks herein, Applicants respectfully request that the objections and rejections set forth in the Office Action be withdrawn and that claims 1-9 be allowed.

If any additional fees under 37 C. F. R. §§ 1.16 or 1.17 are due in connection with this filing, please charge the fees to Deposit Account No. 02-4300, Order No. 032739M087.

Respectfully submitted,  
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